

E-filed 9/18/07

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

14 SECURITIES AND EXCHANGE
15 COMMISSION,
16 Plaintiff,
17 v.
18 MARK LESLIE, et al,
19 Defendants.

Case No. C 07-3444 JF

**JOINT STIPULATION AND
[PROPOSED] ORDER RE BRIEFING
SCHEDULE FOR MOTIONS TO
DISMISS**

Complaint Filed: 07/02/2007
Judge: Hon. Jeremy Fogel

1 This Stipulation is entered into by and among plaintiff, the Securities and Exchange
2 Commission ("SEC"), and defendants Mark Leslie, Kenneth E. Lonchar and Paul A. Sallaberry
3 (collectively, "Defendants"), through their respective attorneys of record.
4

5 WHEREAS plaintiff SEC filed its complaint in this action on July 2, 2007;

6 WHEREAS, Defendants' answers to the Complaint or responsive pleading are due on or
7 before September 18, 2007;

8 WHEREAS the parties jointly agree that establishing an extended briefing schedule is
9 appropriate in light of the complex nature of the issues raised in this case;
10

11 NOW THEREFORE, the above referenced parties to this action, by and through their
12 attorneys, hereby jointly submit this proposed order to the Court to set the briefing schedule as
13 follows:
14

- 16 1. Defendants shall file and serve their motions to dismiss the Complaint on or before
17 October 5, 2007;
- 18
- 19 2. Plaintiff shall file and serve its opposition briefs on or before November 30, 2007;
- 20
- 21 3. Defendants shall file and serve their reply briefs in support of their motions to dismiss
22 the Complaint on or before December 14, 2007;
- 23
- 24 4. Plaintiff will seek leave to file any surreplies if necessary; and
- 25
- 26 5. Plaintiff and Defendants further request that this Court hold a hearing on the matter

1 on January 18, 2008 at 9:00 a.m.¹

2 **IT IS SO STIPULATED AND AGREED**

3 Dated: September 12, 2007

4 Respectfully submitted,

5 ORRICK, HERRINGTON & SUTCLIFFE LLP

6 _____
7 /S/

8 EDWARD P. DAVIS, JR.
9 SUSAN D. RESLEY

10 *Attorneys for Defendant, Kenneth E. Lonchar*

11 Dated: September 12, 2007

12 FARELLA BRAUN & MARTEL LLP

13 _____
14 /S/ (with authority and permission)

15 DOUGLAS YOUNG
16 WILLIAM P. KEANE
17 AMARRA A. LEE

18 *Attorneys for Defendant, Mark Leslie*

19 Dated: September 12, 2007

20 SHARTSIS FRIESE LLP

21 _____
22 /S/ (with authority and permission)

23 JAHAN P. RAISI
24 GREGG S. FARANO

25 *Attorneys for Defendant, Paul A. Sallaberry*

26 Dated: September 12, 2007

27 SECURITIES AND EXCHANGE COMMISSION

28 _____
29 /S/ (with authority and permission)

30 RICHARD HONG

31 *Attorneys for Plaintiff, Securities & Exchange
32 Commission*

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34 ¹ The hearing date and time was proposed to counsel by the Court's staff.

1 * * *

2 **[PROPOSED] ORDER**

3 IT IS SO ORDERED:

4 Dated: 9/18/07

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6 HONORABLE JEREMY FOGEL
7 UNITED STATES DISTRICT JUDGE
8 NORTHERN DISTRICT OF CALIFORNIA

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